

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Reagan, Tracy A.

**DEFENDANTS**

Centre Lifelink Emergency Medical Services

(b) County of Residence of First Listed Plaintiff Montgomery County, MD  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Centre  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Amy H. Marshall, Esquire (814) 867-8055  
Babst, Calland, Clements & Zonnir, P.C.  
330 Innovation Blvd., Suite 302, State College, PA 16803

Attorneys (If Known)

Rodney A. Beard, Esquire  
Beard Law Company  
301 N. Spring Street, Suite 203, Bellefonte, PA 16823

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Family and Medical Leave Act

Brief description of cause:

Defendant terminated Plaintiff while on approved FMLA.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMANDS**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

07/15/2015

SIGNATURE OF ATTORNEY OF RECORD

/s/ Amy H. Marshall, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

TRACY A. REAGAN,  
Plaintiff,

Vs.

CENTRE LIFELINK EMERGENCY  
MEDICAL SERVICES, Inc.  
Defendant.

:  
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:

JURY TRIAL DEMANDED

**COMPLAINT**

AND NOW COMES Plaintiff Tracy A. Reagan (“Plaintiff”) by and through her attorneys Amy H. Marshall, Esquire and Babst, Calland, Clements and Zomnir, P.C. and files this Complaint against Centre LifeLink Emergency Medical Services, Inc. (“Defendant”) in support thereof and avers as follows:

**JURISDICTION**

1. This Court has jurisdiction over this action pursuant to the Family and Medical Leave Act (“FMLA”) of 1993, 29 U.S.C. §2601 et seq.

2. This Court can exercise personal jurisdiction over Defendant because, among other things, Defendant continuously and systematically conducts business in the Commonwealth of Pennsylvania. Defendant employed Plaintiff in the Middle District of Pennsylvania and Defendant terminated Plaintiff in the Middle District of Pennsylvania.

3. Defendant employed at least fifty (50) employees within a seventy-five (75) mile radius, meeting the definition of employer under the FMLA pursuant to 29 U.S.C. § 2611(4a).

**VENUE**

4. Venue is proper in this judicial district because the unlawful employment practice alleged in the Complaint was committed within the Middle District of Pennsylvania; Defendant

regularly conducts business in the Middle District of Pennsylvania; Plaintiff would be employed in the Middle District of Pennsylvania, but for the unlawful employment practices and Defendant employs numerous individuals in the Middle District of Pennsylvania. Accordingly, venue lies in the United States District Court for the Middle District of Pennsylvania.

### **PARTIES**

5. Plaintiff is an adult individual, who at all times relevant to the allegation in this Complaint resided in Blanchard, PA, Centre County. At the time of her termination, Plaintiff was on an approved FMLA leave. Plaintiff avers that she is an eligible employee pursuant to 29 U.S.C. § 2611(2a).

6. Defendant is a provider of emergency medical services within Centre County, Pennsylvania. The Defendant's main office is located at 125 Puddintown Road, State College, PA 16801.

7. At all relevant times hereto, Defendant was Plaintiff's employer and was an employer within the meaning of the Family and Medical Leave Act, 29 U.S.C. § 2611(4a).

8. Defendant has employed more than fifty (50) regular employees for each working day in each of the twenty (20) or more calendar weeks in the current or proceeding calendar year. Defendant is an "employer" within the meaning of the FMLA 29 U.S.C. § 2611(4a)i.

### **FACTUAL BACKGROUND**

9. On or around September 2, 2005, the Plaintiff commenced employment with Centre LifeLink EMS, Inc. ("Centre LifeLink").

10. Plaintiff was employed as the training director.

11. On June 9, 2013, while the Plaintiff was on vacation she was involved in a serious accident. As a result of the accident, the Plaintiff suffered serious injuries including but not limited to a traumatic brain injury and dislocated hip.

12. As a result of the medical injuries, the Plaintiff requested a leave from work. The Plaintiff was granted an FMLA leave to commence June 12, 2013 through July 29, 2013.

13. On July 10, 2013, the Plaintiff received a certified letter from Attorney Rodney A. Beard on behalf of Centre LifeLink. (Exhibit "A") The letter requested a response within ten (10) days to address two issues. The first issue related to CPR training conducted for Penn State University by Red Diamond Safety, a company owned and operated by Plaintiff. The second issue related to the disposal of damaged equipment, which had been damaged around March of 2012.

14. In response to the July 10, 2013 letter, the Plaintiff sent Attorney Beard an e-mail indicating she would be seeking the assistance of an attorney to respond to the inquiry. (Exhibit "B")

15. Attorney Beard responded via e-mail on July 23, 2013, indicating he felt the Plaintiff's e-mail was unresponsive to his request. (Exhibit "C")

16. The Plaintiff received a certified letter dated July 23, 2013 wherein Centre LifeLink terminated her employment. The letter stated in part "as a result of your failure to respond to our legal counsel's letter dated July 10, 2013, that requested specific information regarding the above matters, we advise that effective this date your employment at Centre LifeLink is terminated." (Exhibit "D")

**INTERFERENCE WITH FAMILY AND MEDICAL LEAVE ACT**

**Count I**

17. Plaintiff incorporates by reference the averments of Paragraphs 1-16 of the Complaint as if the same were set forth in full.

18. The FMLA declares it “unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise” any right provided by the FMLA. 29 U.S.C. 2615(a)(1).

19. Defendant approved the Plaintiff to take an FMLA leave. At the time of her termination, Plaintiff was on an approved FMLA Leave.

20. Defendant via certified mail dated July 23, 2013 terminated Plaintiff’s employment while she was on the approved FMLA leave.

21. Defendant’s conduct in terminating the Plaintiff is contrary to the Plaintiff’s rights under the FMLA. Inasmuch as the Defendant has interfered with the Plaintiff’s ability to take the FMLA leave.

22. Defendant’s conduct was with malice, and/or reckless indifference to Plaintiff’s federally protected rights.

23. As a direct and proximate result of the above-mentioned employment practices, Plaintiff was deprived of her job and has lost in common the form of back and front pay, fringe benefits, retirement contributions, medical insurance and lost future job opportunities for which Plaintiff seeks damages under the FMLA.

**DISCRIMINATION/RETALIATION VIOLATION of the FAMILY  
MEDICAL LEAVE ACT**

**Count II**

24. Plaintiff incorporates by reference the averments of Paragraphs 1-23 of the Complaint as if the same were set forth in full.

25. Plaintiff was eligible for FMLA leave.

26. Defendant approved the Plaintiff for an FMLA leave from June 12, 2013 through July 29, 2013.

27. Defendant was aware of the Plaintiff's medical condition, which required the FMLA leave.

28. The Plaintiff suffered a significant brain injury and dislocated hip as the result of a biking accident.

29. The Defendant was aware that the Plaintiff was suffering cognitive issues, as a result of the head injury.

30. Defendant was aware that Plaintiff requested time to consult with legal counsel regarding a response to the July 10, 2013 letter.

31. The Defendant terminated the Plaintiff's employment for "failure to respond to our legal counsel's letter dated July 10, 2013...."

32. Defendant terminated Plaintiff July 23, 2013.

33. Defendant's motivation for terminating the Plaintiff was connected causally to Plaintiff's assertion of FMLA leave.

34. As a direct and proximate result of the above-mentioned employment practices, Plaintiff was deprived of her job and has lost in common the form of back and front pay, fringe

benefits, retirement contributions, medical insurance and lost future job opportunities for which Plaintiff seeks damages under the FMLA.

WHEREFORE, Plaintiff demands judgment against Defendant pursuant to the FMLA, and damages in an amount that this Court and a jury deem fair and reasonable including but not limited to, front pay, back pay from the date of the wrongful acts, equitable relief, compensatory damages, prejudgment interest, post judgment interest and reasonable attorney's fees including litigation expenses, and the costs in this action.

Respectively submitted,

BABST, CALLAND, CLEMENTS AND  
ZOMNIR, P.C.

By: /s/

Date: July 15, 2015

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